

1
2
3
4
5
6
7
8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
10

11 JOSEPH HERNANDEZ,
12

13 Petitioner,
14

15 v.
16

17 CLARK E. DUCART, Warden,
18

19 Respondent.
20

Case No. EDCV 13-1767-PA (LAL)

**ORDER ACCEPTING REPORT AND
RECOMMENDATION OF UNITED STATES
MAGISTRATE JUDGE AND DENYING
CERTIFICATE OF APPEALABILITY**

21 Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition, the Magistrate Judge's
22 Report and Recommendation, Petitioner's Objections to the Report and Recommendation, and
23 the remaining record, and has made a *de novo* determination.

24 Petitioner's Objections generally lack merit for the reasons set forth in the Report and
25 Recommendation.

26 Accordingly, IT IS ORDERED THAT:

- 27 1. The Report and Recommendation is approved and accepted;
28 2. Judgment by entered denying the Petition and dismissing this action with
prejudice; and

1 3. The Clerk serve copies of this Order on the parties.

2 Additionally, for the reasons stated in the Report and Recommendation, the Court finds
3 that Petitioner has not made a substantial showing of the denial of a constitutional right.¹ Thus,
4 the Court declines to issue a certificate of appealability.

5 

6
7 DATED: June 1, 2015

8

HONORABLE PERCY ANDERSON
9 UNITED STATES DISTRICT JUDGE
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

28 ¹ See 28 U.S.C. § 2253; Fed. R. App. P. 22(b); Miller-El v. Cockrell, 537 U.S. 322, 336, 123 S. Ct. 1029, 154 L. Ed. 2d 931 (2003).